

## SENATE BILL No. 200

---

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-11-5.5-4.

**Synopsis:** False claims act seal and intervention timing. Changes the time in which: (1) a complaint under the false claims act is under seal; and (2) the attorney general or the inspector general may intervene; from 120 days to 60 days.

**Effective:** July 1, 2007.

---

---

**Miller**

---

---

January 8, 2007, read first time and referred to Committee on Health and Provider Services.

---

---

C  
o  
p  
y



Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## SENATE BILL No. 200

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 5-11-5.5-4, AS ADDED BY P.L.222-2005,  
2 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2007]: Sec. 4. (a) A person may bring a civil action for a  
4 violation of section 2 of this chapter on behalf of the person and on  
5 behalf of the state. The action:  
6 (1) must be brought in the name of the state; and  
7 (2) may be filed in a circuit or superior court in:  
8 (A) the county in which the person resides;  
9 (B) the county in which a defendant resides; or  
10 (C) Marion County.  
11 (b) Except as provided in section 5 of this chapter, an action brought  
12 under this section may be dismissed only if:  
13 (1) the attorney general or the inspector general, if applicable,  
14 files a written motion to dismiss explaining why dismissal is  
15 appropriate; and  
16 (2) the court issues an order:  
17 (A) granting the motion; and

2007

IN 200—LS 6856/DI 104+



C  
o  
p  
y

(B) explaining the court's reasons for granting the motion.

(c) A person who brings an action under this section shall serve:

(1) a copy of the complaint; and

(2) a written disclosure that describes all relevant material evidence and information the person possesses;

on both the attorney general and the inspector general. The person shall file the complaint under seal, and the complaint shall remain under seal for at least ~~one hundred twenty (120)~~ **sixty (60)** days. The complaint shall not be served on the defendant until the court orders the complaint served on the defendant following the intervention or the election not to intervene of the attorney general or the inspector general. The state may elect to intervene and proceed with the action not later than ~~one hundred twenty (120)~~ **sixty (60)** days after it receives both the complaint and the written disclosure.

(d) For good cause shown, the attorney general or the inspector general may move the court to extend the time during which the complaint must remain under seal. A motion for extension may be supported by an affidavit or other evidence. The affidavit or other evidence may be submitted in camera.

(e) Before the expiration of the time during which the complaint is sealed, the attorney general or the inspector general may:

(1) intervene in the case and proceed with the action, in which case the attorney general or the inspector general shall conduct the action; or

(2) elect not to proceed with the action, in which case the person who initially filed the complaint may proceed with the action.

(f) The defendant in an action filed under this section is not required to answer the complaint until twenty-one (21) days after the complaint has been unsealed and served on the defendant.

(g) After a person has filed a complaint under this section, no person other than the attorney general or the inspector general may:

(1) intervene; or

(2) bring another action based on the same facts.

(h) If the person who initially filed the complaint:

(1) planned and initiated the violation of section 2 of this chapter; or

(2) has been convicted of a crime related to the person's violation of section 2 of this chapter;

upon motion of the attorney general or the inspector general, the court shall dismiss the person as a plaintiff.

C  
o  
p  
y

